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January 23, 1997

JAN 26 1998

Office of the Secretary
FCC
1919 M Street NW
Washington, DC 20554
USA

FCC MAIL ROOM

To Whom It May Concern:

Enclosed is a response to the FCC's request for public input on its suggested policy of auctioning off frequencies in the broadcast spectrum.

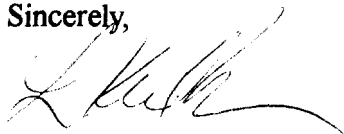
Copies of the following have been sent to:

Senator Jesse Helms
PO Box 2944
Hickory, NC 28603

Senator Lauch Faircloth
Federal Building Room 251
151 Patton Avenue
Asheville, NC 28801

Congressman Charles Taylor
22 South Pack Square
Suite 330
Asheville, NC 28801.

Sincerely,



Leslee Kulba

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In the Matter of: The FCC's request for public input on its decision to auction off the broadcast spectrum.

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Comments of

Leslee Kulba
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I file these comments on Friday, January 23, 1997 in the FCC's request for input from the general public concerning the upcoming auctions of the broadcast spectrum. This concerns the Telecommunications Act, and Docket WT 97-82 and ET 94-32.

Auctions are a reasonable way to resolve the difficulties faced by the FCC in selecting owners for new frequencies of the broadcast spectrum. However, it is imperative that a minimum of qualification standards be required of parties intending to serve the public interest.

One of the primary missions of the FCC is "to encourage competition in all communications markets and to protect the public interest. One of the intents of the Telecommunications Act of 1996 is "to let anyone enter any communications business." If these goals are to be met, the current legislation governing selection criteria for ownership of the broadcast spectrum must be amended.

Prior to the Telecommunications Act, the FCC evaluated applicants desiring to own a radio station based on:

- integration of ownership and management
- local, hands-on, day-to-day operation
- experience and credentials
- community involvement
- minority enhancement
- accessibility to technical facilities.


To illustrate the validity of these criteria, I would like to address the recent radio fiasco that took place in Asheville, NC, concerning the 96.5 FM frequency. To summarize: A 50-year radio veteran, a recipient of thousands of awards for public service in his community, and loved by the many who were entertained and served by his hometown interactive approach to radio; lost the right to broadcast. His replacement was a conglomeration of wealthy investors who dodged the press, tried to sell the station a week after receiving the interim broadcast permit, put both the business and request lines on answering machines, failed to broadcast EAS alerts, let computer glitches (like the announcer running out of synch with the songs, repeating music loops, etc.) run unchecked. The community was outraged because it was obvious to them which outfit was better prepared to provide for them the information they needed.

This was a simple case of people wanting to own a radio station for its potential for power and wealth, but having no concern for doing the work required to uphold standards of quality broadcasting. Allowing these people to broadcast was simply one case of failure to "protect the public interest," and I believe that by auctioning stations off (i.e., allowing financial resources exclusively to be the decisive factor for awarding broadcast licenses) will only lead to more useless intrusions of the public domain by self-serving profiteers. The requirements of credentials, previously in effect, would work to the advantage of those who are sufficiently interested in broadcasting that they would invest their time (a better indication of one's dedication than money) in preparation to serve the public.

It is also crucial that limits to the number of stations that could be owned by a single party in a single market be reinstated. Auctions will undoubtedly drive up the prices of radio stations, and, taken to the extreme, only the wealthy radio barons may one day be able to participate. Monopolization of the airwaves does not "protect the public interest," is the antithesis of "encouraging competition," and one day will surely not "let anyone enter any communications business." Allowing too much broadcasting power to accumulate in a single place poses serious implications for the future of freedom of speech, and there is no reason why a trust-busting provision cannot be added to a set of qualifications established to ensure that all bidders are willing and able to provide quality community service.

As one final thought, it may be intuited that of the roughly thirty stations which have been in limbo, while the FCC has not established fair criteria for awarding finalized broadcasting privileges, the standoff may well be as it was in Asheville: One party desires to broadcast and serve the public so strongly that it will not sell out, but the other side has enough money to keep taking them to court. Capitalism can run rampant in the absence of a regulatory agency. I therefore request that in the interest of the listening public and the future of radio, the FCC would please draw up at least minimal guidelines to ensure quality and competence.

Submitted by:



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January 23, 1997